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COMMISSION ON HUMAN RIGHTS

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REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Terrorism and human rights

Working paper submitted by Ms. Kalliopi K. Koufa in accordance with Sub-Commission resolution 1996/20

Introduction

1. At its forty-eighth session, the Sub-Commission, in resolution 1996/20 entitled "Human rights and terrorism", reiterated "the unequivocal condemnation of all acts, methods and practices of terrorism regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the annihilation of human rights, fundamental freedoms and democracy, threatening territorial integrity and international peace and security, destabilizing legitimately constituted governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States". While "reiterating its deep concern at the persistence of acts of terrorism and the gross violations of human rights perpetrated by terrorist groups", it decided to entrust Ms. Kalliopi Koufa with the task of preparing, without financial implications, a working paper on the question of terrorism and human rights, to be considered by the Sub-Commission at its forty-ninth session.

2. Two years earlier, the Sub-Commission, in its resolution 1994/18, had decided, in accordance with Commission on Human Rights resolution 1994/46, also entitled "Human rights and terrorism", in which the Commission requested the Sub-Commission to consider the possibility of undertaking a study on the

question of terrorism and human rights in the context of its procedures, to entrust one of its members, Mr. Saïd Naceur Ramadhane, with the task of preparing, without financial implications a working paper on the question; however, the requested document was ultimately not submitted. The present paper is an attempt to do justice to the request of the Sub-Commission, as well as to the lively and enlightening debates which took place in the Sub-Commission on this issue.

3. It will be recalled that the Commission on Human Rights, in its latest resolution on human rights and terrorism (resolution 1997/42 of 11 April 1997), noting Sub-Commission resolution 1996/20, decided to continue consideration of the question at its fifty-fourth session as a matter of priority. Further, it is important to recall that the texts of all the previous relevant resolutions of the Commission (1994/46, 1995/43 and 1996/47) unfailingly also refer to the Sub-Commission, evidence proving beyond any doubt that the subject of terrorism and human rights has lately become a matter of great concern for the Commission. This is hardly surprising, given the fact that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights clearly established that "[t]he acts, methods and practices of terrorism in all its form and manifestations as well as linkage in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments" (Part I, para. 17), and prompted the international community to take the necessary steps to prevent and combat terrorism. In this context, it is interesting also to recall the earlier resolutions of the Commission and the Sub-Commission dealing with the consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population. 1/

4. The activity of the General Assembly in the struggle against international terrorism should also be mentioned in this context. This activity, which can be traced back to its twenty-seventh session in 1972, 2/ has continued to develop until today and has resulted in the adoption of a great number of resolutions condemning terrorism in all its manifestations, the adoption of 3 (among the existing 11) international conventions that address crimes associated with terrorism, 3/ the 1994 Declaration on Measures to Eliminate International Terrorism (General Assembly resolution 49/60, annex), and the very recent Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism (General Assembly resolution 51/210, annex). A careful examination of this activity, in order to scrutinize the essential elements of its contents and evaluate the link between human rights and terrorism for the purposes of this working paper, leads to the following relevant preliminary observations:

(a) Since its inclusion in the agenda of the General Assembly, the problem of international terrorism and the issues related to it have been considered and debated in the Sixth (Legal) Committee, and in those Special Committees which the General Assembly has deemed it opportune to establish with a view to studying or dealing with specific questions and aspects or sectors of the fight against terrorism; 4/

(b) Discussions within the above-mentioned frameworks and the General Assembly reveal, among other things, the divergence of opinion among Member States with regard to some of the fundamental issues involved, such as the definition and the underlying causes of international terrorism, the kind of measures that should be taken in order to effectively prevent and, eventually, punish international terrorism, the question of State terrorism and of the acts of violence perpetrated by individuals or terrorist groups, as well as of the means at the disposal of national liberation movements;

(c) Terrorism obviously puts the State under threat. There seems to be general agreement that terrorist acts and methods can put at risk the constitutional order, the territorial integrity and security of States. For this reason, the General Assembly has repeatedly condemned "all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardize the friendly relations among States and their security", 5/ and expressed its concern "at the growing and dangerous links between terrorist groups, drug traffickers and their paramilitary gangs, which have resorted to all types of violence, thus endangering the constitutional order of States"; 6/

(d) It is equally obvious that terrorism puts also under threat the rights and freedoms of innocent people. Terrorist acts and methods do abuse the human rights of the victims and, at the same time, they do provoke or give an excuse for serious violations of human rights and fundamental freedoms by the Governments which feel threatened by terrorism. Thus, again, the General Assembly has repeatedly expressed its deep concern about the "worldwide escalation of acts of terrorism in all its forms, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings", 7/ while it pointed at the same time, to "the necessity of maintaining and safeguarding the basic rights of the individual in accordance with the relevant international human rights instruments and generally accepted international standards"; 8/

(e) There is, then, an inescapable link between terrorism and human rights violations. Terrorism provides a severe test for the idea of fundamental rights. To put it at a more general and comprehensive level, terrorism is a clear threat to the concept of human rights that underlies the creation of the United Nations, and to the life and dignity of the individual. However, it is only in recent times, namely during its forty-eighth session in 1993, following the Vienna World Conference on Human Rights, that the General Assembly, on the recommendation of the Third Committee, started to adopt resolutions on "Human rights and terrorism", while continuing to develop systematically its main international anti-terrorist activity within the legal framework of the Sixth Committee under the agenda item "Measures to eliminate international terrorism";

(f) The resolutions on "Human rights and terrorism" adopted recently by the General Assembly (48/122, 49/185 and 50/186) show not only the broadening of its interest in the particular relationship that exists between human rights and terrorism but also a certain evolution of its attitude towards terrorist acts committed by non-State actors. In fact, while the provisions of these resolutions essentially derive from provisions embodied in previous resolutions that condemn all forms of terrorism and focus on the

obvious link between terrorism and human rights violations, attention is drawn to a preambular paragraph, which they all contain, that refers expressly to the serious concern of the General Assembly "at the gross violations of human rights perpetrated by terrorist groups".

5. It should further be mentioned that an identical preambular provision, referring expressly to the serious concern of the Commission and of the Sub-Commission "at the gross violations of human rights perpetrated by terrorist groups", has also been a prominent feature of all the resolutions on "Human rights and terrorism", which these two human rights bodies have been adopting since 1994. However, as has been the case in statements made in the framework of the General Assembly, discussions within the Commission and the Sub-Commission have revealed the existence of conflicting views and interpretations with regard to the characterization of the acts of violence committed by terrorist groups as breaches of human rights, and not only that; indeed, an examination of the record of the statements and discussions at the United Nations reveals ample evidence of the persisting controversy over a wide spectrum of relevant issues, including what acts or violence constitutes terrorism; when do acts of terrorism involve violations of human rights; what are the dividing lines between terrorism and guerilla warfare, between nationalists (including "self-determinists") and "pure" terrorists; how to strike the balance in accommodating the control of terrorism with the protection of human rights, and so forth. Thus, despite the signs of a certain evolution and broadening of interest, as mentioned above, it is quite clear that Member States are still far from a consensus view - or even unified thinking - on some of the core issues involved in the intrinsic relationship between terrorism and human rights. To systematize thinking and contribute usefully to the eventual shaping of ideas, the Sub-Commission should investigate these core issues and endeavour to address areas which have not yet been addressed.

6. As this document is not a study but only a working paper, it can neither contain a comprehensive analysis of the issues involved in the subject of terrorism and human rights nor can it, in view also of the constraints that affect its length, cover all the aspects of this broad and complex topic. As a consequence, it will only present some issues central to the understanding of the human rights dimension of the phenomenon of terrorism and then conclude with methodological considerations relating to the future work of the Sub-Commission. It is hoped that this method of proceeding may stimulate further discussion on this subject of increasing salience, as well as offer some thoughts which might be useful in the attempt to define the future role of the Sub-Commission and the Commission in the area of terrorism and human rights.

I. THE PHENOMENON OF TERRORISM AND ITS HUMAN RIGHTS DIMENSION

A. General

7. Any consideration of the phenomenon of terrorism should start with caution and modesty, because of its historic continuity and the abundance of the relevant academic research and literature. Terrorism is a persistent phenomenon; a phenomenon which, in one way or another, pervades recorded history. While contemporary terrorism does seem a particularly novel and

dangerous threat, for it possesses attributes which set it apart from its historical forebears and make it more effective as a result of the confluence of new political circumstances and modern technological advances, it still remains an imitative mode of behaviour with a limited tactical repertoire 9/ and deplorable, as ever, effects on human rights and fundamental freedoms.

8. Measured against the world volume of "traditional" violence, the amount of terrorist violence until now may seem trivial indeed. 10/ Yet, in considering the human rights dimension of terrorism, it is not only the number of its victims that should be taken into account but also the impact it has on its victims, the society and the State. Terrorist violence aims at the destruction of human rights, in order to create fear and provoke conditions that are propitious to the destruction of the prevailing social order. Killing innocent people, destroying property, and fostering an atmosphere of alarm and terror amount not merely to a violation of the rights of the victims but to a solicitation of further serious breaches of human rights; in fact, by reason of the terrorists' despicable conduct and the threat posed to society, the authorities of the State which is responsible for bringing the terrorist violence to an end are entitled to respond with counter-terrorist measures and may not be constrained by the normal limits of official measures for the prevention of ordinary crime. Thus, there is a real danger that the State will overreact to the threat of terrorism and slide towards repression and violation of the human rights not only of the terrorists but of the rest of society whose rights and liberties might be diminished in the course of discovering, apprehending and convicting the terrorists.

9. The actual and potential effects, then, of terrorism become obvious in the internal or domestic legal sphere. Nonetheless, terrorism is an international as well as a domestic phenomenon. In this age of increasing internationalization and interdependence, the national and international dimensions of terrorism are but two facets of the same dangerous social phenomenon which infringes upon the interests of all States, not only as an assault against their public order and the institutions that protect the liberty and security of their citizens but, at the same time, as a serious danger to peaceful international relations and cooperation, which in our day is clearly understood as encompassing human rights and values, as well as the principle of equal rights and self-determination of peoples. It is no wonder, therefore, that the transnational character of most contemporary terrorist events has prompted international efforts to suppress terrorist behaviour through international conventions and agreements at the global, regional and bilateral levels.

10. It is not possible within this brief note to dwell upon the international instruments relating to terrorism. Suffice it to mention here, for the purposes of this working paper, that while the United Nations has failed to reach agreement on the general control of terrorism, it has managed to finalize a number of conventions dealing with specific issues, namely hijacking, kidnapping and murder of diplomats, military personnel, the development, production or stockpiling of microbiological and biological weapons that are of potential use to terrorists, etc. 11/ All these anti-terrorist conventions are characterized by the criminalization of the acts they cover regardless of whether in a particular case they could be described as terrorism, and by the requirement that Member States either

extradite or submit the case of the alleged perpetrator to its authorities for prosecution (the principle of aut dedere aut judicare). Again, the main regional anti-terrorist conventions 12/ focus also on particular lists of crimes and the protection of particular targets from attack without attempting to define terrorism, and provide also for the application of the "extradite or prosecute" formula. Finally, the bilateral anti-terrorist agreements either set forth, or just refer to, the crimes covered by the global anti-terrorist conventions, and do not as well attempt to define terrorism.

11. While there is not yet a universally accepted definition of terrorism - academics and experts tending to approach the phenomenon from varying perspectives, and Governments tending to label as acts of terrorism manifestations of the phenomenon which directly affect their own interests while remaining unconcerned about the emergencies of others - admittedly, one of the major difficulties standing in the way of consensus has been the continuing controversy about wars of national liberation and the motives advanced to justify violence. It is thus that the difficulty of drawing the boundaries between what is legitimate and what is illegitimate, between the right way to fight and the wrong way to fight, has brought high political stakes to the task of definition, 13/ and led to the oft-repeated phrase "one person's terrorist is another person's freedom fighter".

B. Conceptual perspectives

12. The preceding general remarks already point to the pertinence of several issues that would need to be carefully examined and analysed in the framework of a study on "Terrorism and human rights", should the Sub-Commission decide to undertake such a study.

13. Thus, first of all, the issue of the nature of contemporary terrorism, and whether there is or not a distinct cut-off line between the past and the present, should be explored, even if only to provide the much-needed background for the comprehension and clarification of the fundamental dilemmas posed by the terrorist phenomenon to modern democratic societies. Exploring the real nature of contemporary terrorism, understanding the new breed of violence in terms of technology, globalization, brutalization and mass victimization introduced into contemporary life by terrorists, and realizing as well the dangers of inflated threat perception and overreaction by Governments, may further contribute to the much-sought-after balance between the imperatives of defending democratic society and of safeguarding human rights and freedoms. It is worth noting in this respect that both those who argue in favour of more action against terrorists and those who argue for limitations upon Governments' responses invoke notions of human rights in order to support their conflicting argumentations. 14/

14. It is important to note further that terrorism, whether domestic or international, is a criminal phenomenon. While there is hardly any State that would not consider domestic terrorism as a violation of its criminal laws, and that would, as a consequence, hesitate to use its municipal law to suppress it, the situation with regard to international terrorism is not that simple for a number of good reasons pertaining to the construct of international law, the very concept of human rights and the problem of defining international terrorism. To start with, the more obvious reason, concerning the

anti-terrorist treaties, a major factor influencing their effectiveness and ultimate success is that States in drafting and in implementing these treaties balance their desire to eliminate terrorism against the resulting reduction in their sovereign discretion as to how to deal with fugitive offenders. In other words, States balance their desire to see persons they label as transnational terrorists punished for their crimes against the preservation of their own discretion as to whether to surrender persons alleged to be terrorists by other States.15/ Thus, the effectiveness of these treaties as anti-terrorist measures is questionable,16/ largely as a result of the attitude of the States concerned. However, the problem of international cooperation in the fight against terrorism, as with any other crime, is not merely a problem of crime control - though this aspect should by no means be left aside owing to "the growing connection between terrorist groups and increased organized crime" 17/ - but one of human rights protection, which brings us to the main set of reasons and issues that relate also to the concept of human rights and the problem of defining international terrorism.

15. Very little can be said at the present stage about the concept of human rights and the definition of international terrorism, which will both require very careful consideration in the framework of a possible Sub-Commission study that would need to deal, inter alia, with the actors involved in the violation of human rights and humanitarian law through acts of terrorism, and the identification of the situations in which acts of terrorism may or may not violate human rights. At this point, the following comment should be made. According to traditional concepts of international law, human rights are protected and violated by States for, generally speaking, human rights involve obligations of States towards individuals. The whole movement for the protection of human rights arose as an attempt to redress the balance between the power of the State to impose duties on individuals and the powerlessness of the individuals to ensure correlative respect for their rights. While the international law of human rights is, indeed, addressed to the behaviour of States and deals with acts or omissions of government officials 18/ or their agents, modern developments of international humanitarian law, 19/ recent authoritative pronouncements such as indicated in the introductory section of this working paper, 20/ and a respectable body of theory 21/ tend to embrace elements leading to some modification of the traditional position that private individuals or groups are not capable of violating human rights.

16. All these elements should, in fact, be sought out and thoroughly explored in order to assess objectively whether (and, eventually, to what extent) international human rights law is moving beyond the traditional dichotomy of individual versus State, beyond the duty of States to respect and ensure the observance of human rights, and towards the creation of obligations applicable also to private individuals and other non-State actors, including liberation movements and terrorist organizations.

17. Finally, a comment is necessary with regard to the issue of defining international terrorism. International terrorism has been approached from such different perspectives and has been employed in such different contexts that, as already mentioned, until this very day it has been impossible for the international community to arrive at a generally acceptable definition. 22/ Instead, a plethora of definitions and working definitions have been advanced, which tend to be either too expansive and broad, so as not to omit any

possible interpretation of terrorism, or more restricted and narrow, focusing eventually on particular "terrorist" acts and excluding wide-ranging interpretations. There are, consequently, pragmatic reasons for not attempting to define "terrorism" and "international terrorism" at this stage. In addition, in view of the complexity and amplitude of the human rights dimension of terrorism, it would be also premature, as well as counterproductive, to proceed with a definition before the Sub-Commission determines which issues it considers worth developing, taking into account that the work of the Sub-Commission should not overlap with the activities of other United Nations bodies responsible for dealing with the overall problem of suppressing international terrorism.

II. METHODOLOGICAL QUESTIONS RELATING TO THE FUTURE WORK OF THE SUB-COMMISSION AND RECOMMENDATIONS

18. From the above, it is evident that the issues relevant to the general question of terrorism and human rights are numerous, complex, controversial and not fully explored from the conceptual point of view. Furthermore, many of them also give rise to questions of great significance for the overall "philosophy" of certain fundamental aspects of human rights. It is, therefore, recommended that a study be undertaken. The relevance, timeliness, object and general outlines of the study will have been made apparent in the previous sections.

19. In this connection, and in view of the complexity and diversity of the issues involved, the Sub-Commission could be advised to identify - at least at the beginning - priority areas or priority topics, and decide as well how far it would wish to go in the analysis of other issues. Consequently, and as a next step in its further consideration of the subject, the Sub-Commission may wish to address - in the context of the simultaneous interest of these issues for human rights - the United Nations and other international and regional efforts towards the control of terrorism, as well as measures undertaken at national level, based on information available from all sources. Finally, other issues which are either inadequately or not at all reflected in this working paper, such as the connection between terrorist groups and transnational organized crime, or the growth in the post-cold war era of terrorist activity by ethnic and national minorities, could also be addressed as appropriate.

20. With regard to the draft timetable, it is recommended that a preliminary but substantial report be submitted to the Sub-Commission at its fiftieth (1998) session on the basis of this working paper, particular attention being paid to the priorities and instructions laid out by the Sub-Commission. This will then be the subject of analysis and criticism by the Sub-Commission and Governments, enabling the formulation of further instructions and issues upon which a progress report should be presented at its fifty-first (1999) session, concentrating on the basic issues which will have emerged. The final report will be submitted to the Sub-Commission at its fifty-second (2000) session.

Notes

1/ See Commission resolutions 1990/75 (7 March 1990), 1991/29 (5 March 1991), 1992/42 (28 February 1992) and 1993/48 (9 March 1993), as well as Sub-Commission resolution 1993/13 (20 August 1993).

2/ See General Assembly resolution 3034 (XXVII) of 18 December 1972, on "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes".

3/ These are: Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly on 14 December 1973; International Convention again the Taking of Hostages, adopted by the General Assembly on 17 December 1979; Convention on the Safety of United Nations and Associated Personnel, adopted by the General Assembly on 9 December 1994 and not yet in force. The remaining global anti-terrorist conventions are: Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963; Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970; Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971; the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on 24 February 1988; Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980; Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988; Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991 and not yet in force.

4/ I.e. the Ad Hoc Committee on International Terrorism established by General Assembly resolution 3034 (XVII), of 18 December 1972, the Ad Hoc Committee established by General Assembly resolution 31/103 of 15 December 1976 for the drafting of the International Convention against the Taking of Hostages, and the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 to prepare a draft international convention for the suppression of terrorist bombings and, subsequently, other international instruments against terrorism.

5/ See General Assembly resolutions 40/61 (9 December 1985), 42/159 (7 December 1987), 44/29 (4 December 1989) and 46/51 (9 December 1991), as well as the 1994 Declaration on Measures to Eliminate International Terrorism and the latest General Assembly resolution 51/210 (17 December 1996).

6/ See, for example, General Assembly resolutions 44/29 (4 December 1989), 46/51 (9 December 1991) and the 1994 Declaration on Measures to Eliminate International Terrorism.

7/ See, for example, General Assembly resolutions 40/61 (9 December 1985), 32/147 (16 December 1977), 31/102 (15 December 1976), 3034 (XXVII) of 18 December 1972, as well as 34/145 (17 December 1979), 36/109 (10 December 1981), 38/130 (19 December 1983), 42/159 (7 December 1987), 44/29 (4 December 1989) and 46/51 (9 December 1991).

8/ See General Assembly resolutions 40/61 (9 December 1985), 42/159 (7 December 1987), 44/29 (4 December 1989), 46/51 (9 December 1991), 48/122 (20 December 1993), 49/185 (23 December 1994), 50/186 (22 December 1995) and the 1994 Declaration on Measures to Eliminate International Terrorism. See also resolution 51/210 (17 December 1996), para. 3.

9/ B.M. Jenkins. "International terrorism: a new challenge for the United Nations", in The United Nations and the Maintenance of International Peace and Security, UNITAR (ed.), M. Nijhoff, Dordrecht, 1987, p. 412.

10/ See B.M. Jenkins and A. Rubin, "New vulnerabilities and the acquisition of new weapons by non-government groups", in Legal Aspects of International Terrorism, A.E. Evans and J.F. Murphy (eds.), Lexington, Massachusetts, Lexington Books, 1978, p. 221 and D.A. Charters, "Conclusions: security and liberty in balance - countering terrorism in the democratic context", in The Deadly Sin of Terrorism: Its Effect on Democracy and Civil Liberties in Six Countries, D.A. Charters (ed.), Westport, Connecticut, Greenwood Press, 1994, pp. 211-212.

11/ For a list of these conventions, see note 3 above.

12/ Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, 2 February 1971 (OAS Convention) (see OAS TS No. 37, at 6, OAS Doc. O.E.A./Ser.A/17)): European Convention on the Suppression of Terrorism, 27 January 1977 (European Convention). (See 15 I.L.M. 1972 (1976)): Agreement concerning the Application of the European Convention on the Suppression of Terrorism among Member States, 4 December 1979 (Dublin Agreement), sponsored by the European Economic Community. (See 19 I.L.M. 325 (1980).)

13/ B.M. Jenkins, op. cit., p. 408.

14/ See, for example, C. Warbrick, "The European Convention on Human Rights and the prevention of terrorism", International and Comparative Law Quarterly, vol. 32 (1983), pp. 83-85 and G. Wardlaw, "The Democratic Framework", in The Deadly Sin of Terrorism, op. cit., note 10, p. 5 ff.

15/ G. Gilbert, "The 'Law' and 'Transnational Terrorism'", Netherlands Yearbook of International Law, vol. XXVI (1995), p.5.

16/ See among others, J.F. Murphy, "The future of multilateralism and efforts to combat international terrorism", Columbia Journal of Transnational Law, vol. 25 (1986), p. 43.

17/ Commission resolution 1997/42 (11 April 1997), preambular paragraph 13. See, however, also the report of the Secretary-General to the Commission on Crime Prevention and Criminal Justice on "Links between transnational organized crime and terrorist crimes" (E/CN.15/1996/7).

18/ N. Rodley, "Can armed opposition groups violate human rights?". In Human Rights in the Twenty-first Century, K.E. Mahoney and P. Mahoney (eds.), M. Nijhoff, Dordrecht, 1993, p. 302.

19/ See, for example, article 3 common to the four Geneva Conventions (1949) and the Second Additional Protocol (1977) relating to the conduct of armed conflicts not of an international character.

20/ Apart from the resolutions of the United Nations Sub-Commission, the Commission and the General Assembly on "Human rights and terrorism", already referred to, it is also interesting to see, for example, the "Resolution on combating terrorism in the European Union", adopted on 13 November 1996 by the Committee on Civil Liberties and Internal Affairs of the European Parliament, which clearly states that "acts of terrorism violate numerous fundamental rights of the individual, particularly the right to life, the right to physical integrity and the right to personal freedom" and defines "as terrorism any act committed by individuals or groups, involving the use or threat of violence ... ."

21/ See, for example, T. Meron, "When do acts of terrorism violate human rights?", Israel Yearbook on Human Rights, vol. 19 (1989), p. 274ff; J.J. Paust, "The link between human rights and terrorism and its implications for the law of State responsibility", Hastings International and Comparative Law Review, vol. 11 (1987), pp. 41-42; Y. Alexander, "Minorities and terrorism: some legal and strategic perspectives", Israel Yearbook on Human Rights, vol. 21 (1992) p. 157; S. Sucharitkul, "Terrorism as an international crime: questions of responsibility and complicity", Israel Yearbook on Human Rights, vol. 19 (1989), p. 249. It is also interesting to note in this respect the discussion within the International Law Commission on the second reading of the draft article 24 on international terrorism, of the Draft Code of Crimes against the Peace and Security of Mankind, which includes individuals as well as State agents and representatives among the perpetrators of the crime of international terrorism. See Report of the I.L.C. on the work of its forty-seventh session (1995) (A/50/10), p. 58.

22/ See, for instance, J.F. Murphy, "Defining international terrorism: a way out of the quagmire", Israel Yearbook on Human Rights, vol. 19 (1989), at p. 13, referring to another leading commentator on terrorism, W. Laqueur, who had pointed out that between 1936 and 1981, 109 different definitions of terrorism were advanced, and more since then, including a half dozen provided by the United States Government, each one different from the other. Anyway, literature on the definition of terrorism is close to endless.